

REMOVAL OF NOMINATION
OBJECTION

Mr. WYDEN. Mr. President, on December 18, 2015, I placed a hold on the nomination of Dr. Janine Ann Davidson to be Under Secretary of the Navy. As I made clear in my statement at that time, my action was not directed at Dr. Davidson; rather, it was directed at the pending promotion by the Navy of RDML Brian Losey and concerns I had related to findings by the Department of Defense Office of Inspector General concerning Rear Admiral Losey's retaliation against whistleblowers. I have been informed by the Navy that Rear Admiral Losey will not be promoted. Consequently, I am removing my hold on Dr. Davidson's nomination and will support her confirmation.

To quickly review why I took this action, the DOD OIG conducted several extensive investigations into allegations of retaliation by Rear Admiral Losey against senior members of his joint command. In three of those investigations, the DOD IG concluded that he wrongfully retaliated against his staff even after he was advised not to do so. The DOD IG also concluded that his immediate subordinates carried out retaliatory actions at his behest in two of those cases.

I found the OIG findings compelling. In a January 14, 2016, letter to Navy Secretary Ray Mabus, Senator McCAIN and Senator REED, in their capacity as chairman and ranking member of the Senate Armed Services Committee, also cited the OIG findings in support of their request to Secretary Mabus that Losey not be promoted.

Notwithstanding Rear Admiral Losey's long service to our country, the Navy would have been wrong to dismiss the OIG findings and promote him. Doing so would have sent exactly the wrong message, namely that retaliation against whistleblowers is acceptable.

One of the pillars of our system of government is the rule of law; a principle that applies no less to our military and to the vital principle of civilian control over the military. It is illegal to retaliate against whistleblowers, whether civilian or military, and I commend the DOD inspector general and his staff for their diligence in these investigations.

I commend Secretary Mabus and the Navy for taking what I believe is the right course of action in this situation, but my concern with the protection of whistleblowers did not begin with the Losey case, and it will not end with the Losey case. I will continue to work here in the Senate to ensure that those who come forward to expose waste, fraud, or abuse are protected.

In the meantime, I encourage the nominee, Dr. Janine Ann Davidson, to focus on the hard work she has before her in addressing whistleblower retaliation issues in the military.

FAA REAUTHORIZATION BILL

Mr. BOOKER. Mr. President, today the Senate Committee on Commerce, Science, and Transportation approved legislation to reauthorize the Federal Aviation Administration. I applaud the work of my colleagues Senators THUNE and NELSON. Their leadership on this important legislation was critical. I would like to make clear that, while we took important steps forward with this legislation, more work remains to be done to ensure the United States remains a global leader in aviation, safety, and innovation.

Going into this year, many on the Commerce Committee, along with Department of Transportation Secretary Foxx and FAA Administrator Huerta and key stakeholders, aimed high on FAA reauthorization. We aimed high because there are big ideas we need to address when it comes to aviation in this country.

From the current state and financing of our airport infrastructure, to completing NextGen implementation, to accelerating commercial use of UAS technology, to new proposals about our Air Traffic Control system, there were a lot of innovative ideas on the table, and while we made strides on some, more work remains to be done. There is widespread agreement that the status quo is not acceptable, and I was pleased to join my colleagues in taking this initial step forward to reauthorize the FAA for the upcoming 18 months.

Furthermore, I am pleased that I was able to put forth amendments that were included in this bill to ensure adequate staffing levels at the Newark air traffic control tower. In addition, we were able to secure a much-needed study of the New York and New Jersey airports, which cover the busiest airspace in the country. Findings from this study will enable us to make informed decisions about how best to address this staffing problem in the future.

I am also concerned about staffing levels at the Transportation Security Administration, TSA. There have been incredibly long delays at Newark airport because of inadequate staffing of TSA agents at our airport. Safety is absolutely paramount in our airports. It is my hope that we can achieve both topnotch security and an efficient, reliable process for travelers using our airports. Increased staffing should help us achieve that goal.

In this reauthorization, I was pleased to work with Senator CANTWELL to increase competition in the Newark airport with the hope that increased competition and opening up more flight slots at the airport may yield more options and price points for consumers. But I must stress that these changes cannot move forward without ensuring the airport is equipped to handle more traffic and passengers. I look forward to continuing to work with my colleagues on this issue and am excited by the opportunities this could bring for my constituents.

We also made progress on furthering the integration of unmanned aerial systems, UAS, or drones into our airspace in our legislation. This technology is literally taking off around the world. It has the power to enhance search and rescue, deliver humanitarian aid, improve agriculture practices, and newsgathering. I introduced the Commercial UAS Modernization Act to help advance this technology and was pleased to see many of our ideas incorporated in this legislation. I worked with committee leadership to further advance a microUAS rule, which would allow U.S. businesses to fly micro-drones under 4.4 pounds responsibly and safely.

Advancing microUAS use will bring tremendous innovations and new efficiencies across the country and will keep the United States on par with other developed nations who have been making great strides ahead of us in utilizing this technology. From improving research to providing unmanned bridge inspections, the benefits of this technology are truly limitless. UAS has the power to save lives and create new efficiencies across industries. I am excited to see what the innovators and entrepreneurs come up with as a result of our rule which sets forth clear safety guidelines for responsible operation.

Finally, I want to address a couple of amendments that I put forth that were not included in this legislation and express my sincere hope that the chairman and ranking member will work with me before this bill gets to floor. I introduced two amendments to the bill that would address disadvantaged business enterprise, or DBE, projects. The goal of this program, of course, is to promote equity and inclusion in federally financed transportation projects. While neither of these amendments were incorporated into this legislation as of yet, I am confident that we can work together to advance this important policy goal. One amendment would ensure conformance of the DOT size standard for small businesses to the metric defined by the Small Business Administration.

This update will enable more minority and women-owned businesses to compete for infrastructure work. The second amendment sets goals for minority and women-owned businesses on projects financed only by passenger facility charges, or PFCs. I ask the chairman and ranking member to continue to work with me as this bill goes to the floor to advance these two important goals.

Thank you.

TRIBUTE TO MIKE ENZI

Mr. BARRASSO. Mr. President, on March 29 in Laramie, the University of Wyoming will recognize the work of Senator MIKE ENZI with an official dedication of the Michael B. Enzi STEM Facility. It is a well-deserved honor and one that I would like to share with my fellow Senators.